



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of

THALLER et al

Atty. Ref.: 1303-102

Serial No. 09/601,513

Group: 1645

Filed: August 2, 2000

Examiner: Fields

For: METHOD FOR THE DETERMINATION OF
PROSTHETIC INFECTIONS

* * * * *

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION OF DEPOSITED MATERIALS

As an authorized representative and on the instructions of Bracco S.p.A., a corporation of MILANO, Italy, the assignee of the U.S. Patent application identified above, I hereby declare that:

- Bracco S.p.A. is the depositor and owner of the following deposit of biological material identified and referred to in the specification of this application and on the attached deposit receipt, international form, under the terms of the Budapest Treaty.

Accession No. DSMZ-

Depositor's Reference

Date Deposited

11942

6358 P

January 22, 1998

- The deposits of biological material identified above were made at the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH in Braunschweig, Germany, and have been deposited and accepted under the terms of the Budapest

Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and therefore the filing of a viability statement is unnecessary [37 C.F.R. 1.807(b)]

- The deposits will be maintained for a period of 30 years from the date of deposit or for the enforceable life of any patent issuing from this application or for a period of 5 years after the date of the most recent request for the furnishing of a sample of the deposited material, whichever is longest.
- The deposits will be replaced should they become contaminated or no longer viable.
- Subject to 37 C.F.R. § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.
- Access to the deposited material is permitted during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be so entitled under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

I further declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

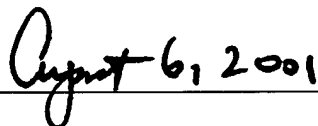
By: _____



Arthur R. Crawford

Reg. No. 25,327

Date: _____



DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

Customer No. 11705
DSMZ-Macherode-Weg 1b D-38124 Braunschweig

Customer No. 11705
Verkehrshaus Braunschweig

Bracco S.p.A.
Via Folli, 50
I-20134 Milano
Italy

Bracco S.p.A.
Attn. Dr. L. D'Agostino
Via Folli, 50
I-20134 Milano
Italy

LIEFERSCHEIN NR.

DELIVERY SLIP NO. 9800370


Datum / Date 22.01.1998

Ihre Bestellung / Your order

Pos.	Menge Quantity	DSM-Nr. DSM-No.	Bezeichnung Description
1	1	11942	Deposit of Microorganisms for the Purpose of Patent Procedure according to the Budapest Treaty Fee for accession and deposit Staphylococcus aureus subsp. aureus 6538P 2 ampoules for identity checking

Lieferbedingungen umseitig / Conditions of delivery overleaf

SHIPPER'S DECLARATION FOR DANGEROUS GOODS

Shipper DSMZ-Deutsche Sammlung von Mikro-organismen und Zellkulturen GmbH Mascheroder Weg 1b D-38124 Braunschweig, Germany Tel. +495312616-0, FAX +495312616-418		Air Waybill No. Page 1 of 1 Pages Shipper's Reference Number 9800370 <i>(optional)</i>					
Consignee Dr. L. D'Agostino Bracco S.p.a. Via Folli, 50 I-20124 Milano Italy Tel: (02) 21771							
<i>Two completed and signed copies of this Declaration must be handed to the operator.</i>		WARNING Failure to comply in all respects with the applicable Dangerous Goods Regulations may be in breach of the applicable law, subject to legal penalties. This Declaration must not, in any circumstances, be completed and/or signed by a consolidator, a forwarder or an IATA cargo agent.					
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This shipment is within the limitations prescribed for: <i>(delete non-applicable)</i>		Airport of Departure					
<input checked="" type="checkbox"/> PASSENGER AND CARGO AIRCRAFT <input checked="" type="checkbox"/> CARGO AIRCRAFT		<input checked="" type="checkbox"/> NON-RADIOACTIVE <input checked="" type="checkbox"/> RADIOACTIVE					
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NATURE AND QUANTITY OF DANGEROUS GOODS							
Dangerous Goods Identification					Quantity and type of packing	Packing Inst.	Authorization
Proper Shipping Name	Class or Division	UN or ID No.	Pack- ing Group	Subsid- iary Risk			
Infectious substances affecting humans. (Staphylococcus aureus subsp. aureus)	6.2	UN 2814			1 fibreboard box with polypropylene jar inner container 1 ml	602	
Additional Handling Information (24 hours) Emergency Contact: GERMANY-Dr. E. Stackebrandt, 0171 6234929 (24 hours) Italy - Dr. D'Agostino, Tel. (02)21771 <u>Perishable. Please notify Health Authority if damaged, do not open in transit.</u>							
I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.					Name/Title of Signatory Microbiologist Prof. Dr. E. Stackebrandt Place and Date Braunschweig Signature (see warning above) 27.01.1998 